

DECLARATION

1. My name Danny E. Ruhl. I am an adult resident citizen of Mississippi and am over 21 years of age. I am competent to testify as to the matters set forth in this declaration.

2. I am an attorney at Copeland, Cook, Taylor & Bush, P.A. ("CCTB"), the law firm representing Warren Havens, Skybridge Spectrum Foundation, Verde Systems LLC, Environmental LLC, Intelligent Transportation & Monitoring LLC, and Telesaurus Holdings GB LLC (collectively, "SkyTel") in connection with the Chapter 11 bankruptcy case (Case No. 11-13463-DWH) (the "Bankruptcy Case") of *Maritime Communications/Land Mobile LLC* ("Maritime") which is pending in the United States Bankruptcy Court for the Northern District of Mississippi (the "Bankruptcy Court"). I am one of the attorneys at CCTB who has been personally and actively involved in the Bankruptcy Case.

3. On May 24, 2012, SkyTel filed in the Bankruptcy Case a *Motion for an Order Directing the (I) Rule 2004 Examination of Nation's Capital Archives Storage Systems, (II) Related Production, Inspection, and Copying of Documents, and (III) Preservation of Certain Documents in the Interim* (the "Motion," Dkt. #469¹). A copy of the Motion, without exhibits, is attached as **Exhibit A** hereto.

4. The Bankruptcy Court granted the Motion in part and, on June 6, 2012, entered an *Order on Motion of SkyTel for an Order Directing the (I) Rule 2004 Examination of Nation's Capital Archives Storage Systems, (II) Related Production, Inspection, and Copying of Documents, and (III) Preservation of Certain Documents* (the "Preservation Order," Dkt. #491). A copy of the Preservation Order is attached as **Exhibit B** hereto.

5. Pursuant to the terms of the Preservation Order, and as discussed in more detail therein, certain physical documents which are described in the Motion -- and which are referred

¹ Docket number references herein are to the docket of the Bankruptcy Case, unless stated otherwise.

to in the Motion, in the Preservation Order, and herein as the “Boxed Documents” -- were to be preserved in electronic format by a bonded copier selected by SkyTel, and were not to be accessed or reviewed by any person or entity (other than the copier and Nation’s Capital Archives Storage Systems, or “NCASS”²) until such time as the preservation work was completed.

6. On August 6, 2012, the United States District Court for the District of New Jersey (the “District Court”), which is handling a civil action styled as *Warren Havens, et al., v. Mobex Network Services LLC, et al.* (Civil Action No. 2:11-cv-00993-KSH-PS) (the “District Court Action”), entered a pretrial scheduling order (the “Scheduling Order,” District Court Dkt. #94). The Scheduling Order provided, among other things, that Mobex³ was to provide certain supplemental discovery responses (including, as I understand it, supplemental production of documents included among the physical Boxed Documents) by either September 14 or 17, 2012. The Scheduling Order also provided that the plaintiffs to the District Court Action (i.e., SkyTel) were to take whatever steps they deemed appropriate to gain access to the physical Boxed Documents that are the subject of the Preservation Order so as, as I understand it, to allow the supplemental production to proceed. A copy of the Scheduling Order is included with **Exhibit C** hereto.

7. It is my understanding that the physical Boxed Documents have now been preserved to electronic format by the copier, and are at the storage facilities of NCASS. Further, a hard drive, which I understand contains the electronically preserved documents, has been deposited with the Bankruptcy Court.

² This is the storage facility where I understand the Boxed Documents were and are now located.

³ Which I understand to refer to Mobex Network Services, LLC and Mobex Communications, Inc. -- two defendants to the District Court Action, hereinafter collectively referred to herein as “Mobex.”

8. On September 7, 2012, and as more specifically described in the subject e-mails: (a) SkyTel's District Court Action counsel advised Mobex's District Court Action counsel by e-mail that the electronic preservation of the Boxed Documents under the Preservation Order had been completed, and that there was no impediment to Mobex's District Court Action counsel accessing and reviewing the physical Boxed Documents so as to comply with the District Court's Scheduling Order; and (b) Mobex's District Court Action counsel responded in part by insisting that the Preservation Order may still be read to prohibit access to the physical Boxed Documents, and by requesting SkyTel's counsel to seek confirmation from the Bankruptcy Court on that point. A copy of the aforementioned e-mails is included with **Exhibit C** hereto.

9. Accordingly, on September 12, 2012, SkyTel filed a *Motion for Expedited Telephonic Status Conference or Reconvened Hearing Regarding NCASS Preservation Order* (the "Motion for Reconvened Hearing," Dkt. #644) in the Bankruptcy Case. In the Motion for Reconvened Hearing, SkyTel requested an expedited telephonic status conference or reconvened hearing on the Preservation Order -- with participation by Mobex's District Court Action counsel (who was served with a copy of the motion by e-mail) -- for purposes of obtaining confirmation from the Bankruptcy Court that the Preservation Order is no longer an impediment to Mobex accessing and reviewing the physical Boxed Documents (as opposed to the electronically preserved version of those documents) so as to comply with the District Court's Scheduling Order. A copy the Motion for Reconvened Hearing, with exhibits, is attached as **Exhibit C** hereto.

10. Also on September 12, 2012, Mobex's District Court Action counsel filed a motion seeking leave to withdraw as counsel therein (the "Motion to Withdraw," District Court Dkt. # 108).

11. On September 13, 2012, the Bankruptcy Court addressed the Motion for Reconvened Hearing with SkyTel's and Maritime's Bankruptcy Case counsel. After discussing and considering the substance of that motion and the relief requested by SkyTel therein, after being advised about the Motion to Withdraw, and without any objection from Maritime's Bankruptcy Case counsel, the Bankruptcy Court directed SkyTel's Bankruptcy Case counsel: (a) to prepare an Order clarifying that, in light of the completion of the electronic preservation of the physical Boxed Documents under the terms of the Preservation Order, the Preservation Order no longer serves to restrict access to the physical Boxed Documents and is therefore no longer any impediment to discovery taking place consistent with the terms of the District Court's Scheduling Order; (b) to circulate the Order to Maritime's Bankruptcy Case counsel for signature; and (c) to thereafter submit the Order to the Bankruptcy Court for consideration and entry.

12. I declare under penalty of perjury that the foregoing is true and correct.

Executed on this the 17th day of September, 2012.


DANNY E. RUHL